

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MAYFLOWER TRANSIT, LLC,)
)
Plaintiff,)
)
v.) Case No. 4:23-cv-00708
)
BRENDAMOUR MOVING &)
STORAGE, INC., et al.,)
)
Defendants.)

ZOOM VIDEOTAPED DEPOSITION OF PAUL
OWENS, a Witness, taken individually and as
Corporate Representative of BRENDAMOUR LOGISTICS,
LLC, pursuant to Federal Rule of Civil Procedure
30(b)(6) on behalf of the Plaintiff before
Peggy E. Corbett, CSR, CCR, RDR, pursuant to
Notice on the 14th day of November, 2023, at the
residence of the witness in Cincinnati, Ohio.

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1 (Deposition commenced at 2:05 p.m.)

2 THE VIDEOGRAPHER: Good afternoon.
3 We are going on the record at 2:05 p.m. Central
4 on November 14th, 2023. Please note that this
5 deposition is being conducted virtually. The
6 quality of recording depends on the quality of
7 camera and internet connection of participants.
8 What is seen from the witness and heard on screen
9 is what will be recorded. Audio and video
10 recording will continue to take place, unless all
11 parties agree to go off the record.

12 This is Media Unit 1 of the video
13 recorded deposition of Paul Owens taken by
14 counsel for plaintiff in the matter of Mayflower
15 Transit, L.L.C. versus Brendamour Moving &
16 Storage, Inc. et al. filed in the United States
17 District Court, Eastern District of Missouri,
18 Eastern Division, Case Number 4:23-cv-00708.

19 This deposition is being conducted
20 remotely, using virtual technology. My name is
21 Bethany Scutti representing Veritext, and I am
22 the videographer. The court reporter is Peggy
23 Corbett from the firm Veritext.

24 I am not authorized to administer an
25 oath, I am not related to any party in this

1 action, nor am I financially interested in the
2 outcome. If there are any objections to
3 proceeding, please state them at the time of your
4 appearance.

5 Counsel and all present will now state
6 their appearances and affiliations for the
7 record, beginning with the noticing attorney, and
8 then will the court reporter please swear in the
9 witness.

10 MR. LAMPING: Brian Lamping and
11 Christine Schlegl for the plaintiff.

12 MR. LUEPKE: Henry Luepke for Paul
13 Owens.

14 MS. GUGINO: Julie Gugino for
15 Michael Brendamour.

16 PAUL OWENS,
17 a Witness, being first duly remotely sworn,
18 testified under oath as follows:

19 EXAMINATION

20 BY MR. LAMPING:

21 Q. Good afternoon, Mr. Owens.

22 A. Good afternoon.

23 Q. My name is Brian Lamping. You and I
24 have never met, but I am one on the attorneys
25 representing Mayflower in this case. Will you

1 please state your full name for the record.

2 A. Paul Thomas Owens, II.

3 Q. And I'll do my best to call you
4 Mr. Owens today, but if I slip up and call you
5 Paul, will you forgive me?

6 A. Feel free to call me Paul if you would
7 like.

8 Q. All right. Mr. Owens, where are you
9 physically located right now?

10 A. Cincinnati, Ohio.

11 Q. And where specifically, at a residence,
12 at an office?

13 A. Yes, in my residence.

14 Q. Okay. I've just got to ask but is
15 anyone else in the room with you?

16 A. No, sir.

17 Q. Okay. And you are represented by
18 counsel here today who is in St. Louis; is that
19 right?

20 A. I am represented by counsel. I am
21 assuming that Bud is in St. Louis, yes.

22 Q. Okay. You understand that you are here
23 giving some testimony under oath related to a
24 lawsuit that my client filed a few months ago?

25 A. Yes, sir.

1 Q. And you understand you are under oath
2 here today similar to how you would be if you
3 were testifying live in trial?

4 A. Yes, sir.

5 Q. And have you ever given a deposition
6 before?

7 A. No, sir.

8 Q. All right. Well, since it's your first
9 time, I will go over just some basic ground rules
10 just to make sure we all understand what's going
11 on, and to make sure we're on the same page.

12 First you understand, I assume you
13 understand that we have a court reporter that is
14 taking down everything you and I say.

15 A. Yes, sir.

16 Q. And I saw you nodding your head but you
17 did a good job following up with an affirmative
18 response, there may be times like in normal
19 conversation where you would nod your head or
20 shake your head as opposed to verbalizing a
21 response. I would just ask if you do that and I
22 ask you to say "yes" or "no," I'm not trying to
23 be rude. I'm just trying to make sure we have a
24 clean record.

25 A. I did say "yes, sir," and I will

1 continue to do so.

2 Q. Yeah. You did a good job with that.

3 A. Okay, thank you.

4 Q. And so sometimes in these remote
5 depositions, in particular, sometimes it's hard
6 to know when a questioning attorney is finished
7 with their question, and sometimes it's hard to
8 know when the deponent is finished with their
9 answer, and so sometimes we can talk over one
10 another which makes it really difficult for our
11 court reporter. So can we agree just to do our
12 best today not to talk over each other?

13 A. Yes, sir.

14 Q. All right. There may be some times
15 today where I ask just a bad, poorly worded
16 question that just doesn't make any sense. I
17 would ask that if you don't understand a question
18 that I ask, that you ask me to rephrase it rather
19 than answer it. Can you agree to do that today?

20 A. Yes, sir.

21 Q. So I'm going to assume if you answer one
22 of my questions, I'm going to assume that you
23 understood it; is that fair?

24 A. Yes, sir.

25 Q. All right. I suspect we'll be here for

1 a little bit today and if there comes a point in
2 time where you need to get up and stretch your
3 legs or take a break or do whatever, that's fine,
4 just let me know. You're not chained to your
5 chair. All I would ask is if there's a question
6 pending, that you answer that question before we
7 take a break; is that fair?

8 A. Yes, sir.

9 Q. I will try -- I do not want to know
10 about any communications that you had with your
11 lawyer. I assume leading up to this deposition
12 you probably talked to your counsel. If I ask a
13 question that is going to require you to disclose
14 confidential communications that you had with
15 your counsel, I don't want you to tell me that.
16 I'd like you to just say, "Hey, can I talk to
17 Henry or Bud." I don't want to know about any
18 communications that you had with your counsel,
19 all right?

20 A. Yes, sir.

21 Q. Okay. Mr. Owens, what did you do to
22 prepare for your deposition today?

23 A. Henry and I had a conversation in regard
24 to the case.

25 Q. I don't want to know about the

1 conversation.

2 A. Okay.

3 Q. I don't want to know about the details
4 but --

5 A. Well, I used my resources to become
6 educated on what a deposition is, and the
7 fundamentals of how it works, which are very
8 similar to what you just went over, sir.

9 Q. Well, good, and I assume you learned
10 that Rule Number 1 is tell the truth, right?

11 A. Yes, sir.

12 Q. All right. Other than meet and talk to
13 your counsel and maybe educate yourself on some
14 of the do's and don'ts for depositions, did you
15 do anything else to prepare for your deposition
16 today?

17 A. No, sir.

18 Q. Did you talk to anybody other than your
19 counsel regarding some of the topics that we
20 might be discussing?

21 A. No, sir.

22 Q. Did you go back and review any documents
23 to refresh your recollection on some of the
24 things that you suspected we may be talking about
25 today?

1 A. Very, very lightly.

2 Q. And can you tell me what documents you
3 used to refresh your recollection?

4 A. Specifically, I looked at a document
5 that was shared as part of discovery that just
6 showed an annual reconciliation, if you will, of
7 cash exchanged between the two organizations.

8 Q. And was that a document that was -- what
9 was the source of that document, if you know?

10 A. It's a document that I provided as part
11 of discovery.

12 Q. And what specifically were you looking
13 at that document for?

14 A. Just refreshing myself with the overall
15 numbers.

16 Q. Okay.

17 A. But again, not in overly extensive
18 detail.

19 MR. LUEPKE: And Brian, if I could
20 maybe help move things along, I want to point out
21 because Mr. Owens may not understand exactly what
22 you mean by "documents," but he also reviewed his
23 affidavit previously filed in connection with
24 this, as well as his interrogatory responses.

25 Q. (BY MR. LAMPING) Good. Is that

1 accurate, Mr. Owens?

2 A. Yes.

3 Q. All right. That's helpful, and we'll be
4 looking at those later today, so it's helpful
5 that you at least have some familiarity with
6 those documents.

7 A. Okay.

8 Q. Do you understand that you are
9 testifying today both as an individual and as a
10 what we call a corporate representative for
11 Brendamour Logistics, L.L.C.?

12 A. I do understand that, yes, sir.

13 Q. And are you aware or have you reviewed
14 some topics that were sent to your counsel,
15 topics of testimony on which you will provide
16 testimony and you may or may not know, we've
17 withdrawn a few of those, but are you aware
18 generally of the topics that you're going to be
19 testifying to today as a corporate
20 representative?

21 A. I reviewed the documents that -- and I'm
22 sorry that my legal lingo is certainly not at
23 this level, but I reviewed the documents that
24 Henry just explained.

25 Q. Okay, why don't we go ahead --

1 A. If you want to ask about what's in those
2 documents, then yes.

3 Q. Let me show you one of them. Let me
4 show it to you, just so we're on the same page.

5 A. Okay.

6 Q. First, do you have -- have you accessed
7 the Exhibit Share platform?

8 A. I have not.

9 Q. Okay, did somebody send you a link to
10 the Exhibit Share platform? Have you seen that
11 come across your e-mail?

12 A. I was doing a pretty good job to get --
13 I was doing a pretty good job to get to where we
14 are right now, but I will look.

15 (Off-the-record discussion.)

16 A. Okay, thank you.

17 Q. (BY MR. LAMPING) And the alternative,
18 Ms. Schlegl just e-mailed you all of the
19 exhibits.

20 Ms. Schlegl just e-mailed you the first
21 two documents we're going to be looking at. Did
22 you receive that e-mail?

23 A. I did, yes, sir.

24 Q. Okay. Why don't you open up the first
25 one and we'll make that Exhibit 1, whichever one

1 it is.

2 A. It says Exhibit 0006 pdf.

3 (Exhibit 5 was marked by the
4 reporter for identification.)

5 Q. (BY MR. LAMPING) Why don't you look at
6 5.

7 A. Okay.

8 MR. LAMPING: So Henry, we're just
9 going to go ahead and pick up on the numbering
10 where we left off with Mike Brendamour. Is that
11 all right with you?

12 MR. LUEPKE: Yes, it is.

13 MR. LAMPING: Okay.

14 THE WITNESS: I have the document
15 up.

16 MR. LAMPING: Is that the
17 individual or the corporate rep?

18 MS. SCHLEGL: The individual.

19 Q. (BY MR. LAMPING) Exhibit 5 is the
20 Notice of Deposition that was served for your
21 individual deposition. Are you familiar with
22 that document?

23 A. Yes.

24 (Exhibit 6 was marked by the
25 reporter for identification.)

1 Q. (BY MR. LAMPING) Now if you would
2 please open up the document that's been marked as
3 Exhibit 6.

4 A. Okay, it's open.

5 Q. And if you would scroll a page or two,
6 do you see a list of topics?

7 A. Yes, I do.

8 Q. All right. And just so we're all on the
9 same page, is it your understanding that you are
10 being presented to testify on Topics 1, 2, 3, 6
11 and 9. And your counsel may help us out if I got
12 something wrong there?

13 MR. LUEPKE: That's correct.

14 A. So for my part, I was not aware of
15 certain ones being excluded, but I see those
16 particular topics that you just mentioned.

17 Q. (BY MR. LAMPING) Okay. So Topic 1
18 reads: "The nature and extent of any business
19 between you," which is defined as Brendamour
20 Logistics, "and any person or entity located in
21 the State of Missouri." Did I read that
22 correctly?

23 A. Yes.

24 Q. And what specifically did you do, if
25 anything, to prepare to testify on that topic

1 today?

2 A. Nothing beyond I had already responded
3 to that.

4 Q. And when you say you had already
5 responded are you referring to answers you gave
6 for the company in the interrogatories?

7 A. Yes, yes, sir.

8 Q. And in connection with your answering
9 those interrogatories, did you confirm
10 essentially that Logistics -- can we refer to
11 Brendamour Logistics as Logistics today?

12 A. Yes.

13 Q. Did you confirm that Logistics had
14 engaged in no business with any person or entity
15 within the State of Missouri during the relevant
16 time period?

17 A. That is correct.

18 Q. And Topic 2 states, "The nature and
19 extent of any business between you," Logistics,
20 "and any agent or representative of plaintiff,"
21 Mayflower, "of UniGroup." Did I read that
22 correctly?

23 A. Yes.

24 Q. And what did you do to prepare yourself
25 to answer questions on that topic? The same

1 answer as before?

2 A. Yes.

3 Q. And did you, in fact, confirm that
4 Logistics during the relevant time period had
5 engaged in no business with Mayflower or
6 UniGroup?

7 A. That is correct.

8 Q. And what specifically did you do to make
9 that confirmation?

10 A. I guess to rephrase that, am I permitted
11 to tell you what, can I say what I think you're
12 asking?

13 Q. Sure.

14 A. Okay, so you're asking how am I able to
15 confirm that there was no business between the
16 two parties?

17 Q. Precisely.

18 A. I, in my position as the General
19 Manager, would have been involved in such
20 interactions, and I can assert that there were
21 none, or I have asserted that there were none.

22 Q. And when you say in your position as
23 General Manager, General Manager of what entity?

24 A. I was the General Manager or am the
25 General Manager of Brendamour Moving & Storage,

1 and basically by default, I would have also been
2 the General Manager of Brendamour Logistics.

3 Q. Am I correct that Brendamour Logistics
4 essentially went out of business in 2012?

5 A. Brendamour Logistics, yes.

6 Q. And is it accurate to say, and I think
7 it's been represented in some filings and
8 discovery responses, that while Brendamour
9 Logistics was an operating business, its only
10 real customers were located in Pennsylvania?

11 A. That's correct, specifically Pittsburgh.

12 Q. Pittsburgh, okay. And am I correct that
13 when that business went away, Brendamour
14 Logistics essentially ceased operations?

15 A. That is correct.

16 Q. And you know we're here today to talk
17 about some Logistics transactions handled by
18 Brendamour Moving & Storage?

19 A. Yes, Logistics used in a different term
20 than it's being used here, but yes.

21 Q. Okay. Well, you understand that the
22 allegations in this case are that Brendamour
23 Moving & Storage misreported certain charges
24 associated with Amazon and Red Box transactions?

25 A. Yes, yes.

1 MR. LUEPKE: Outside the scope of
2 this deposition; subject to that, you may answer.

3 A. Yeah.

4 Q. (BY MR. LAMPING) Okay. So is it your
5 testimony that Logistics has never had any role
6 or responsibility at all with any, with Logistics
7 transactions entered into by Brendamour Moving &
8 Storage, particularly for Amazon or Red Box?

9 A. That is correct.

10 Q. Okay.

11 A. Yes.

12 Q. There has been a, I don't want to say a
13 dispute, but there has been an issue in this case
14 about a reference to Brendamour Logistics on the
15 Brendamour Moving & Storage website. Are you
16 aware of that issue coming up?

17 A. No, I'm not.

18 Q. Do you know of any operating companies
19 that do business under a d/b/a Brendamour
20 Logistics?

21 A. No.

22 Q. Are you aware of any entity other than
23 Brendamour Logistics doing business under the
24 Brendamour Logistics d/b/a?

25 A. No.

1 Q. Did Brendamour Logistics while it was an
2 operating company do business under any d/b/a's?

3 A. No.

4 Q. And Mr. Owens, you are located in
5 Cincinnati right now; is that right?

6 A. Yes.

7 Q. And is that where your full-time
8 residence is?

9 A. Yes.

10 Q. Can you walk me through your educational
11 background after high school?

12 A. I have a Bachelor's degree in accounting
13 from Miami University of Ohio.

14 Q. And what year did you obtain that
15 degree?

16 A. Jimini, it would have been 1992 or '93,
17 and I apologize that I am not sure.

18 Q. That's all right.

19 A. I'm sure it's one of those two.

20 Q. Okay. When did you first go and work
21 for an entity that was affiliated or related to
22 the Brendamour let's sort of call it group of
23 companies?

24 A. April 1st, 2003.

25 Q. And what specific company did you go to

1 work for?

2 A. Brendamour Moving & Storage, Inc.

3 Q. And if I refer to that company as
4 Brendamour Moving & Storage or Moving & Storage,
5 we'll understand that I'm referring to that
6 company?

7 A. Yes.

8 Q. Did you ever have a formal job title
9 with Brendamour Logistics?

10 A. No, it was not, no.

11 Q. I understand sometimes when you were
12 dealing with a group of family companies,
13 sometimes folks that technically work for one
14 company often do work for the other companies,
15 even though they may not be technically employed
16 by other companies. Is it fair to say that
17 before Logistics went out of business you
18 performed some work for Logistics, although you
19 weren't technically a Logistics employee?

20 A. That's correct.

21 Q. And what were your specific roles and
22 responsibilities for Logistics, before it went
23 out of business?

24 A. The Logistics was set up specifically to
25 perform in-home delivery services in the

1 Pittsburgh market, and the employees that
2 coordinated such activity and completed such
3 activity reported to me.

4 Q. Were those in-home delivery services,
5 were those performed under Mayflower's operating
6 authority?

7 A. No, they were not.

8 Q. Okay. Were any of those shipments
9 registered with Mayflower in any way?

10 A. No, they were not.

11 Q. And you know what it means to register a
12 shipment with Mayflower?

13 A. I do know what it means.

14 Q. Okay. And in April of 2003 when you
15 were first hired at Moving & Storage, what was
16 your first position?

17 A. I was -- I don't know that I was given a
18 title per se, but I was responsible for
19 scheduling the In-Home Delivery Department that
20 was already in place at Brendamour Moving &
21 Storage.

22 Q. And when you say the In-Home Delivery
23 Department, can you be a little bit more specific
24 and help me understand what that means?

25 A. Yes, sir. That is the act of delivering

1 consumer products such as TVs, mattresses,
2 exercise equipment, etc. for local retail stores
3 that do not have their own trucks.

4 So as an example, Ikea, you know, places
5 such as -- I'm not familiar with St. Louis, but
6 places such as Ikea, Babies R Us was one, like
7 that Pier 1 imports is an example.

8 Q. At some point in time were you given a
9 formal title at Brendamour Moving & Storage?

10 A. At some point, I was. I became the
11 controller at a point, and unfortunately, I do
12 not recall the date, and then at a date after
13 that I became the General Manager, and
14 unfortunately I do not know the date of that
15 either.

16 Q. Do you recall approximately how long you
17 worked as the controller?

18 A. I still am, so it would have been from
19 roughly -- you know, roughly 2000-and -- maybe
20 sometime in 2006. I'm sorry that I don't know.

21 Q. No, that's okay. This is not a memory
22 contest. When you obtained the title and
23 responsibilities of controller, did you give up
24 any responsibilities or were those
25 responsibilities that were added to what you had

1 previously done?

2 A. I no longer had those responsibilities.

3 Q. And I believe then as you said at some
4 point you obtained the title of General Manager?

5 A. Correct.

6 Q. And then when that happened you
7 maintained your responsibilities that you had
8 already had as controller?

9 A. Yes.

10 Q. Do you have any other or have you during
11 your time at Brendamour Moving & Storage had any
12 other job titles?

13 A. No.

14 Q. When you were controller before you had
15 been appointed as General Manager, who did you
16 report to?

17 A. Jack Brendamour.

18 Q. And at the time that you reported to
19 Jack Brendamour, what was his title at the
20 company?

21 A. I don't know what his title was per se,
22 but he was the owner of the company.

23 Q. Was he the only owner at that time?

24 A. I'm not aware of what the ownership
25 distribution was, frankly, but it was my

1 understanding, that was how I operated.

2 Q. And my understanding, and please correct
3 me if I'm wrong, Jack Brendamour was the father
4 of Mike Brendamour; is that right?

5 A. Yes.

6 Q. And Mike Brendamour has some brothers?

7 A. Yes.

8 Q. And at some point while Jack Brendamour
9 was still alive, is it correct that he owned kind
10 of the biggest percentage of the company and then
11 Mike Brendamour and his brothers owned like small
12 pieces, about 10 percent?

13 A. In a forum like this I cannot assert
14 that that was the case.

15 Q. Okay. -- but at least at one point in
16 time you understand or you agree that Jack and
17 his sons all owned at least some percentage of
18 Brendamour Moving & Storage?

19 A. At some point in time, yes.

20 Q. Yes, and then while Jack, at the time
21 that Jack Brendamour, and we'll sort of firm up
22 some of these dates later as we get into some of
23 the documents, at the time that Jack Brendamour
24 owned, was alive and owned the majority of the
25 ownership of Brendamour Moving & Storage, did you

1 also report to Mike Brendamour or any of his
2 brothers?

3 A. No.

4 Q. All right. Mike Brendamour had his
5 deposition taken earlier today. Are you aware of
6 that?

7 A. Yes, because I received, somehow or
8 another I received an e-mail that had the dates
9 and everything on it.

10 Q. Okay. Mike Brendamour talked about how
11 at some point in time there was a shift within
12 the business, moving more toward the logistics
13 side of the business at the expense of the
14 household goods side. Are you aware of when that
15 shift happened at Brendamour Moving & Storage?

16 A. Not specifically, but it would have been
17 around 2005. I'm not sure that we really at that
18 point had a great presence in the household goods
19 business anyway, but it was right around 2005
20 late 2006.

21 Q. What role, if any, did you play in kind
22 of the shift or the focus on logistics
23 transactions at Brendamour Moving & Storage?

24 MR. LUEPKE: Objection, vague.

25 Q. You can answer if you understand.

1 A. I don't know that it was -- I don't
2 recall it to be a quote "decision." It was more
3 a matter of the effort of pursuing survival, and
4 household goods was not identified as the
5 direction to go for that purpose.

6 Q. (BY MR. LAMPING) Is it fair to say that
7 it was more of a decision to kind of go where the
8 business was taking you, as opposed to a
9 conscious decision to do one thing over the
10 other?

11 A. Yes.

12 Q. At some point were you aware of you
13 understand that at some point Mike Brendamour
14 resigned as President of Brendamour Moving &
15 Storage?

16 A. Frankly, I was never abundantly worried
17 with what Mike Brendamour was or was not doing,
18 so that notification, if there was one, was not
19 made to me, so no.

20 Q. As you sit here today, do you know -- if
21 I represented to you that in or around 2004 Mike
22 Brendamour resigned as president of the company,
23 if I make that representation to you, as you sit
24 here today do you know why he did that?

25 A. No. I don't know that he did do that,

1 much less why.

2 Q. That's fair. There was some discussion
3 earlier with Mike Brendamour about some money
4 that Brendamour Moving & Storage owed to the IRS
5 in say the mid-2000s. Do you know anything about
6 that?

7 A. Yes.

8 Q. And what can you tell me about that?

9 A. When I became aware of the books, which
10 was when I became the controller, we had a, you
11 know, whatever you would want to describe it as,
12 an issue with the IRS, and that's -- was your
13 question when did I become aware of it or was I
14 aware of it?

15 Q. Well, no, that's fine. The question was
16 were you aware of it? It sounds like you were.

17 A. I became aware of it, yes, sir.

18 Q. Which makes sense, because I think that
19 sounds like it would have been around the time
20 you would have become the controller.

21 A. No, I inherited that situation, sir.

22 Q. Sure, yeah, but in any event when you
23 became controller, the company had some IRS
24 issues?

25 A. That is correct.

1 Q. And did you make any effort to figure
2 out or did you ultimately find out what the root
3 cause of those problems were with the IRS?

4 A. It was failure, as I recall it was
5 failure to pay payroll taxes either at all or
6 timely.

7 Q. And do you recall what the size of the
8 amount was that was owed to the IRS?

9 MR. LUEPKE: I object. This is
10 far beyond the limited scope of this deposition.

11 Q. (BY MR. LAMPING) You can answer.

12 A. I do not remember. I do not recall the
13 specific amount, no, but I will say that in
14 relationship to where we were at the time as a
15 company, it was significant.

16 Q. Do you know how, if ever, the IRS issue
17 was resolved?

18 A. We -- I'm sorry.

19 MR. LUEPKE: I said, "Same
20 objection." Subject to that, Paul, you may
21 answer.

22 A. Okay, we contacted the IRS, and well,
23 one, we started paying the payroll taxes timely,
24 and two, we contacted the IRS and worked out
25 something to resolve it. I don't remember the

1 particulars, it's been awhile, but we worked out
2 some sort of an arrangement to resolve the matter
3 and then did so.

4 Q. (BY MR. LAMPING) Okay. What is your
5 understanding as to just what the nature of the
6 allegations are in this case, what is being
7 alleged that you and Brendamour Moving & Storage
8 did in this case?

9 MR. LUEPKE: I object, it's
10 overbroad, vague, confusing, overburdensome, and
11 unanswerable, but to the extent that you
12 understand it or can do so, Mr. Owens, please try
13 to do so.

14 A. Can you repeat the question?

15 Q. (BY MR. LAMPING) Sure. What's your
16 understanding as to why this lawsuit was filed?

17 A. Versus --

18 MR. LUEPKE: Let me object, that's
19 a different question. I think it's beyond the
20 limited scope of this deposition. It's also
21 beyond this witness' knowledge.

22 There's no foundation as to why somebody
23 else did what they did.

24 Q. (BY MR. LAMPING) Let me rephrase, let
25 me rephrase. What is your understanding as to

1 what my client is accusing you of doing in this
2 lawsuit?

3 MR. LUEPKE: Same objection,
4 subject to that, you may answer.

5 THE WITNESS: I'm sorry, Henry, you
6 said I may answer?

7 MR. LUEPKE: You may answer, yes,
8 sir.

9 A. Okay. So as, you know, anything that I
10 have done in my role as the General Manager of
11 the company, so in terms of myself, being which
12 my understanding of what we're talking about
13 here, I may have misunderstood the question, as
14 far as myself being included, I'm not sure that I
15 can really respond to that.

16 Q. (BY MR. LAMPING) Okay. So you're
17 making -- okay, let me make sure I understand
18 where you're going. Do you understand everything
19 you have been accused of doing, and we'll get
20 into the Logistics charges here in a minute, all
21 of those allegations are being made against you
22 as an employee and representative of Brendamour
23 Moving & Storage, fair?

24 A. That is not -- again, I'm not an
25 attorney, but no, that is not my understanding.

1 (Exhibit 7 was marked by the
2 reporter for identification.)

3 Q. (BY MR. LAMPING) Well, okay, all right,
4 let's go ahead and mark this. I'm going to be
5 asking you about some conversations and meetings
6 with some folks at UniGroup and in order to kind
7 of guide our discussion I'm going to show you
8 Mayflower's answers to some interrogatories, just
9 to make sure we're on the same plane as far as
10 chronology, and it might make the conversation go
11 a little easier, so Ms. Schlegl, can you go ahead
12 and mark that as Exhibit 7.

13 MS. SCHLEGL: I just e-mailed that.

14 MR. LAMPING: And Henry, am I
15 correct, you're able to get on Exhibit Share?

16 MR. LUEPKE: I believe so. I've
17 got it up on my screen in front of me here.

18 MR. LAMPING: Okay.

19 A. Okay, I have it.

20 Q. (BY MR. LAMPING) So Mr. Owens, Exhibit
21 7 are answers that Mayflower submitted in
22 response to some interrogatories that you served
23 on Mayflower in this case. Have you seen Exhibit
24 7 before?

25 A. You know, not being an attorney, I

1 cannot say that I have or haven't.

2 Q. Okay. Why don't you go ahead and
3 scroll, that's fine, why don't you go ahead and
4 scroll to Page 2 of Exhibit 7 --

5 A. Okay, I'm on it.

6 Q. -- and then do you see Number 2 --

7 A. Yes.

8 Q. -- that sentence? Okay. So
9 Interrogatory Number 2 states, "State on what
10 facts you base any claim Owens is subject to
11 personal jurisdiction in the Federal District
12 Court for the Eastern District of Missouri and,
13 for each such fact, identify each person known by
14 you to have knowledge of such fact." Did I read
15 that correctly?

16 A. Yes.

17 Q. And having read that, does that refresh
18 your memory as to whether you have seen this
19 document before?

20 A. Yes.

21 Q. Okay, and you have seen it before?

22 A. I believe so, yes. It's been quite
23 awhile, but yes.

24 Q. Okay. So I want you to move or scroll
25 to the next page.

1 A. Yep.

2 Q. And then at the top of the next page
3 there's a paragraph that starts, "Answering
4 further," do you see that?

5 A. I do.

6 Q. All right. And that paragraph states,
7 "Answering further, on or about April 9th, 2023
8 Owens sent an e-mail to Tim Grimes (Subject:
9 Meet in Louisville???) requesting the dates that
10 Grimes would be in Louisville, Kentucky for
11 business." Did I read that correctly?

12 A. Yes.

13 Q. And do you recall, in fact, sending such
14 an e-mail to Mr. Grimes?

15 A. I recall trying to meet with Mr. Grimes
16 during that timeframe, yes.

17 Q. Why did you want to meet with Mr. Grimes
18 during that time period?

19 A. Because I wanted to, you know, in my
20 position as the General Manager of the company I
21 wanted to make him aware of the accounting
22 situation and I wanted to also at that same
23 time -- I'm sorry.

24 Q. You can keep going.

25 A. Oh, I'm sorry, something was -- so I

1 wanted to make him aware of that situation and
2 then also, you know, work towards trying to
3 maintain a relationship with Mayflower going
4 forward, and the reason why I met with Tim
5 Grimes, is because he was the only person that I
6 really felt like I had a relationship with at
7 Mayflower.

8 Q. Okay, and so naturally because
9 Mr. Grimes was the only one you knew at
10 Mayflower, you thought he would be a logical
11 person to reach out to?

12 A. That's correct.

13 Q. And the first reason you gave for
14 requesting this meeting was you wanted to make
15 him aware of an accounting situation. What
16 accounting situation did you want to make him
17 aware of?

18 A. I mean, in essence, it's the one that's
19 being outlined as the reason that we're here.

20 Q. All right. That's kind of what I was
21 trying to get at earlier?

22 A. Okay, I apologize.

23 Q. That's all right. Just so we're all on
24 the same page when you said "the accounting
25 situation that brings us here," what's your

1 understanding as to the accounting situation that
2 brings us here?

3 A. I mean in essence, you know, as the
4 General Manager of the company we were in a
5 situation where, you know, we had an opportunity
6 to grow a particular segment of business which,
7 if successful, or when it actually was successful
8 would have benefitted ourselves and also
9 Mayflower, and at the time in my position we made
10 the direction of basically for lack of a better
11 way to put it procuring those funds via the
12 Mayflower statement.

13 Q. And how specifically did you go about
14 procuring the funds through the Mayflower
15 statement?

16 A. We basically had billed upon line items
17 that -- billed inaccurately upon line items at
18 that time, that Mayflower did not receive a
19 percentage of, and you know, basically made it so
20 that we received monies via the Mayflower
21 statement.

22 Q. The information that was entered, that
23 you all entered into the Mayflower system was not
24 accurate, fair?

25 A. That's correct, that's correct.

1 Q. And was the, when you say the line
2 items, there's been a lot of talk about
3 accessorial charges. Do you know what those are?

4 A. I do.

5 Q. And were accessorial charges, were those
6 some of the line items there were entered
7 inaccurately into the Mayflower system?

8 A. There were specific billing codes. I'm
9 not -- I have no privacy in my office at work, so
10 I am not at work, and I also had limited, or
11 actually no interaction in the Mayflower system
12 directly, so sitting here right now, I do not
13 recall those billing codes, but they are outlined
14 very clearly as part of discovery.

15 Q. Okay.

16 A. But there are certain billing codes that
17 were utilized.

18 Q. And as we sit here today can you tell me
19 any of these billing codes?

20 A. I mean I would be guessing. Not with
21 accuracy, no, sir.

22 Q. All right.

23 A. I apologize.

24 Q. That's okay, and you and I are on the
25 same page. That's also why I believe that we're

1 here today. Mr. Brendamour, this morning, used
2 the term "scheme." That was his word.

3 Are you comfortable using that word to
4 describe the practice of the inflated charges
5 that were reported or is there another shorthand
6 term that you would prefer we use just for
7 simplicity?

8 A. In the interest of being aware of what
9 we're talking about, we can use that one.

10 Q. Okay. When did the scheme start?

11 A. Well, again, that's outlined in the
12 discovery, which I didn't realize, I guess I
13 didn't realize that this is where we were.

14 I guess I'm a little confused on -- I
15 have sadly misjudged what I thought we were doing
16 today as it relates to me personally, so I
17 apologize for that. I probably would have been
18 better prepared but --

19 MR. LUEPKE: Just do your best.

20 A. -- roughly September of 2010.

21 Q. (BY MR. LAMPING) Why did the scheme
22 start in September of 2010?

23 A. Well, again, we were in a position of
24 capitalizing on an opportunity within a growing
25 industry, specifically the kiosk industry, and we

1 had an opportunity to grow the business and
2 needed capital to do so.

3 Q. And the net result of the scheme through
4 the agency statement process would be essentially
5 the scheme would result in more credits to
6 Brendamour than it otherwise would have had the
7 charges been accurately represented to Mayflower,
8 fair?

9 MR. LUEPKE: I object. That
10 mischaracterizes his testimony, doesn't put a
11 timeframe on it and it's beyond the scope of this
12 limited deposition.

13 Q. (BY MR. LAMPING) You can answer.

14 A. I guess, I'm sorry, can you repeat the
15 question?

16 Q. Sure. You mentioned that you tried to
17 capitalize. The bottom line is, and it shouldn't
18 be controversial, the scheme, what the scheme
19 allowed Brendamour Moving & Storage to do is to
20 obtain through the agency statement
21 reconciliation process credits for payments that
22 it otherwise would not have received had all of
23 these charges been accurately reported to
24 Mayflower. I mean that's why you did it, right?

25 MR. LUEPKE: Same objection.

1 A. Yes.

2 Q. (BY MR. LAMPING) Who was involved in
3 the decision to pursue the scheme?

4 A. You know, in my position as the General
5 Manager of the company, I was mainly involved.
6 The mechanics of doing that, I have never logged
7 onto the Mayflower system, so the mechanics of
8 doing so involved a conversation with an
9 employee, but you know.

10 Q. And which employee was that?

11 A. Art Whalen, or Arthur Whalen, sorry.

12 Q. So is this just something that you and
13 Art came up with in 2010, or was there anyone
14 else involved?

15 A. No, there was not.

16 Q. What, if any, conversations did you have
17 with the ownership of Brendamour Moving & Storage
18 regarding the scheme?

19 A. None, because that would at the time in
20 my perception that would have been Jack
21 Brendamour.

22 Q. Okay. But to the best of your
23 knowledge, did Jack Brendamour know about the
24 scheme?

25 A. He did not, to the best of my knowledge.

1 MR. LUEPKE: Brian, just for
2 clarification, are you speaking at the outset of
3 the so-called scheme, or at any point during the
4 so-called scheme?

5 Q. (BY MR. LAMPING) That's fair, Henry.
6 Let me be a little bit more precise in my
7 question, Mr. Owens, just in case you didn't
8 understand it.

9 At any point in time, are you aware of
10 Jack Brendamour knowing about the scheme?

11 A. No.

12 Q. At any point in time before this lawsuit
13 was filed, are you aware of Mike Brendamour
14 knowing about the scheme?

15 A. No, absolutely not.

16 Q. You are aware, and we'll get into some
17 of the details in a bit, you are aware that at
18 least according to Tim Grimes, you pointed the
19 finger at Mike Brendamour as being one of the
20 originators of the scheme. You are aware that
21 Tim Grimes has made representations under oath
22 that that's what you told him?

23 A. I am aware of what I read in those
24 documents, whether the legal part of it, I don't
25 know, but I am aware of what I read in the

1 documents.

2 Q. And you adamantly deny telling
3 Mr. Grimes that Mike Brendamour had any role in
4 the scheme, fair?

5 A. I am certain that Mike Brendamour had no
6 role in the scheme. I would not have told not
7 only Tim that, but anyone that.

8 However, you know, I also, that meeting
9 at this place took place 7 months ago, but at no
10 point, regardless to the meeting, at not point
11 was Mike Brendamour aware of this.

12 Q. Okay, but, and this is an important
13 point, so I just want to make sure we're very
14 clear, I know you've testified that Mike
15 Brendamour was not involved. As you sit here
16 today do you have any recollection of telling Tim
17 Grimes that Mike Brendamour was involved in the
18 scheme?

19 A. No. At no point have I said that to
20 anyone.

21 Q. And I'm sure you've replayed in your
22 mind what was said at that dinner in Louisville
23 100 times. Can you think of anything that you
24 would have said to Tim Grimes that would have
25 even perhaps inadvertently left the impression on

1 Tim Grimes that Mike Brendamour came up with the
2 scheme?

3 A. I have, you know, I guess a theory,
4 because Tim Grimes isn't the only time that that
5 has come up. There was another phone call where
6 I got the perception that the people on the phone
7 call were a little bit disbelieving, so I think
8 it's, you know, there has always been a -- the
9 two companies never really had a really close
10 relationship.

11 They, you know, Mayflower didn't really
12 have a real good feel for what we were doing and
13 how we were doing it, and I think there is a
14 perception or a misperception that Mike
15 Brendamour, because of his title, had to have
16 known, or the perception that he would have
17 known, and I think that it's possible that that
18 has created the assumption, if you will, and
19 that's an aggressive word, but the assumption
20 that he would have known.

21 Q. Okay.

22 A. That is the only thing I can speculate.
23 That's the only thing I can speculate.

24 Q. That's fine, and you don't know. I'm
25 not asking you to get inside Tim's head but --

1 A. No. Tim is a very good person.

2 Q. Okay. Now you said that the two
3 companies were separate. I assume while you were
4 and are General Manager of Brendamour Moving &
5 Storage, you're primarily physically located in
6 Cincinnati, Ohio, right?

7 A. Yes.

8 Q. And you understand that Brendamour
9 Logistics was an agent of Mayflower?

10 A. No. Brendamour Moving & Storage is an
11 agent of Mayflower.

12 Q. Oh, what did I say?

13 A. You said Brendamour Logistics, yes, sir.

14 Q. I'm sorry, I think we're done with
15 Logistics. I don't have any more questions about
16 Logistics.

17 A. I apologize.

18 Q. And no, no, and I promise you I was not
19 trying to sneak something in there, but if I
20 refer to Logistics again for the rest of the day,
21 I beg your pardon.

22 A. Okay.

23 Q. Let me back up.

24 A. It was just a little confusing. Yes, I
25 am aware that --

1 MR. LUEPKE: Paul, just wait for
2 the question.

3 Q. (BY MR. LAMPING) Yeah, yeah, yeah. Up
4 until June of this year, or thereabouts,
5 Brendamour Moving & Storage was an agent of
6 Mayflower, correct.

7 A. Yes.

8 Q. Okay.

9 A. I think it was sooner than that, but
10 technically, yes, I understand your point, yes.

11 Q. Okay. Mayflower is based in Missouri.

12 A. Yes.

13 Q. UniGroup, do you know what UniGroup is?

14 A. I was never a, you know, the most
15 well-versed person on the UniGroup/Mayflower
16 situation, but I felt like, yes, I was aware of
17 who UniGroup is.

18 Q. And like Mayflower, you understood that
19 UniGroup was also headquartered in Missouri?

20 A. Yes.

21 Q. That's where Tim Grimes worked
22 primarily.

23 A. I have assumed that. I'm not -- I can't
24 say that I'm aware of that.

25 Q. In connection with your work for

1 Brendamour Moving & Storage, did you ever have
2 occasion to come to Missouri to visit Mayflower?

3 A. Once.

4 Q. When was that?

5 A. I don't know, right around sometime in
6 2005 would be my guess.

7 Q. Okay.

8 A. Yeah, I think it was 2005.

9 Q. Okay. In order for, kind of switching
10 gears a little bit, in order for the scheme to
11 work, somebody had to enter transaction data into
12 the Mayflower system, correct?

13 A. Yes.

14 Q. While the scheme was on-going, who was
15 responsible for doing that?

16 A. The -- again, I have never personally
17 logged into the Mayflower system, so I don't
18 know. I don't know the intricacies of how it
19 worked, but people, I provided in the discovery
20 the systems that have had access, but as I'm
21 recalling the names were Terry Harrell, Rianna or
22 Ri, George, and then Art Whalen, and then Chuck
23 Wolfe did, as well, until he passed away in 2012.

24 Q. Obviously, we've established that the
25 owners of Brendamour didn't know about the

1 scheme. Was there a concerted effort amongst --

2 MR. LUEPKE: I object to that,
3 that mischaracterizes his testimony. That's not
4 what he testified to, but subject to that, you
5 may proceed with your questioning, but that's not
6 what he said.

7 Q. (BY MR. LAMPING) I thought you said the
8 owners didn't know about the scheme. Am I wrong?

9 MR. LUEPKE: At what timeframe?

10 Q. (BY MR. LAMPING) At any time before the
11 lawsuit was filed, did any of the owners know
12 about the scheme?

13 A. Yes.

14 Q. Which ones?

15 A. Well, the current ones, Doug and Dave.

16 Q. And Doug and Dave, their last names are
17 both Brendamour?

18 A. Yes.

19 Q. When did Doug and Dave learn about the
20 scheme?

21 A. Roughly probably a week or so before I
22 met with Mr. Grimes.

23 Q. Okay. All right, so let's say before
24 February of 2023, are you aware of any of the
25 owners of Brendamour Moving & Storage knowing

1 about the scheme?

2 A. No.

3 Q. All right. Before February of 2023, was
4 there a concerted effort amongst the folks who
5 knew about the scheme to conceal it from others
6 within Brendamour Moving & Storage?

7 A. No. I can't say that there was.

8 Q. All right. But the folks who actually
9 entered in the inflated charges into the
10 Mayflower system, who did those folks report to?

11 A. Myself.

12 Q. All right. Okay, so tell me about what
13 happened. You talked about Doug and David
14 Brendamour learning about the scheme. Are you
15 the one that told them about it?

16 A. Yes, I am.

17 Q. When and how did you communicate the
18 details regarding the scheme to Doug and Dave
19 Brendamour?

20 A. I don't recall the dates I gave you;
21 roughly shortly before I had the meeting with Tim
22 Grimes, and I had a brief meeting with Dave,
23 unscheduled. It was an unexpected visit by him
24 on another topic, and I mentioned it to Dan, and
25 I think the next day I met with both of them.

1 Q. And what do you recall telling them
2 about the schemes?

3 A. I just basically made them aware of the
4 situation and I mean that was pretty much it.

5 Q. Who else other than you, Doug and Dave
6 was present during the meeting?

7 A. Just us.

8 Q. How did they react when you told them
9 about the scheme?

10 A. Well, as you can imagine, first and
11 foremost it's not very simple to understand for
12 someone who is not well versed in the Mayflower
13 process, so there was some, you know, there was a
14 significant amount of initial difficulty in
15 understanding, and then there was also a
16 significant level of, you know, whatever word
17 you'd want to use, anger, disappointment,
18 somewhere in there, and that was pretty much it.

19 Q. And you, in your position as general
20 manager, you were well versed in the Mayflower
21 agency reconciliation process, fair?

22 A. Other than the fact that I had never
23 logged into the Mayflower system, correct.

24 Q. Yeah. You may not have logged into the
25 system, you may not have actually entered in some

1 of the charges, but you understood generally how
2 entering the inflated charges is part of the
3 scheme would benefit Mayflower Moving & Storage.

4 A. Yes, I understood how it would have
5 benefitted the company.

6 Q. If it would have hurt the company,
7 obviously, you wouldn't have done it, fair?

8 A. Correct.

9 Q. After your meeting with Doug and Dave
10 Brendamour, did you talk to anyone else about the
11 scheme before you went and met with Tim Grimes?

12 A. I spoke to Doug and Dave again the next
13 business -- as I recall, the first meeting was on
14 a Friday, the next one was on a Monday, and
15 during that meeting, and it might have been the
16 first meeting, I'm not sure, but as I recall it,
17 there was a second meeting and at that point it
18 was decided that I would call and reach out to
19 Tim to try to schedule a meeting, with the
20 objective again to make them aware of the
21 situation, gain his knowledge and expertise in
22 how to best interact with Mayflower regarding the
23 situation, and then to hopefully lay the
24 groundwork to move forward in an on-going
25 business with Mayflower.

1 Q. Did you make any, either during your
2 meeting with Tim Grimes or during any of the
3 subsequent meeting with the folks at Mayflower,
4 did you make any proposals to, you know, try to
5 move forward and work through the issues that the
6 scheme caused?

7 A. Well, I mean a "yes" and "no" answer
8 can't really properly answer that question, so if
9 I can expound.

10 Q. Sure.

11 A. No, I did not make a proposal; however,
12 I did supply an abundant, and this was prior to
13 discovery, prior to the filing of the lawsuit I
14 provided an abundance of detail, and I expressed
15 a desire to work it out.

16 I asked for information that would help
17 me refine the detail. I offered to come to
18 St. Louis and help the people that I was
19 interacting with understand the detail, and
20 frankly I thought, as ignorant as this may seem
21 now, I thought that that was the avenue we were
22 headed, until all of a sudden a lawsuit shows up.

23 So no, we never got to that point, but I
24 was genuinely hopeful of working out an amicable
25 solution.

1 Q. At any point in time -- let me back up.
2 Are you -- let me back up again. As you sit here
3 today, are you aware of the financial impact to
4 the UniGroup and Mayflower internal company
5 finances that the scheme caused?

6 A. No.

7 Q. You would agree that as a general
8 principle, the net result of the scheme is that
9 it made the logistics business at Brendamour
10 Moving & Storage look a heck of a lot busier and
11 profitable than it otherwise was in reality,
12 fair?

13 MR. LUEPKE: If you would put a
14 timeframe on it. At any timeframe maybe?

15 Q. (BY MR. LAMPING) Yeah, at any point,
16 have you been made aware or are you aware of --
17 well, strike that.

18 The inaccurate data that was reported to
19 Mayflower as part of the scheme all related to
20 Logistics transactions, fair?

21 A. I'm sorry?

22 Q. The transactions that were part of the
23 scheme where you had the charges being
24 inaccurately entered into the Mayflower system,
25 those were all for Logistics transactions?

1 A. That is correct.

2 Q. The lion's share of those Logistics
3 transactions involved Amazon and Red Box?

4 A. Those were our two biggest customers
5 during the timeframe, yes.

6 Q. Okay, and the net result of the scheme,
7 because charges for Logistics transactions are
8 being inflated in the system, the net result is
9 that's going to make the Logistics business at
10 Brendamour Moving & Storage look a lot busier and
11 profitable than it was in reality, right?

12 A. It would make it look busier for sure.

13 Q. Okay. And while the scheme was
14 on-going, did you have any understanding as to
15 what Mayflower was doing with the numbers that
16 were reported for Mayflower and whether -- I'm
17 sorry, for Brendamour Moving & Storage, and
18 whether Mayflower was making general business
19 decisions based on the inflated charges that were
20 reported? Did you have any awareness of that?

21 A. No, I did not. Again, frankly, there
22 was little relationship between the two
23 companies, very honestly.

24 Q. During the, and I guess your testimony
25 is the scheme went from September of 2010 up

1 until presumably April of this year --

2 A. Yes.

3 Q. -- so let's just call it 12 and-a-half
4 years to be fair; is that right?

5 A. Okay.

6 Q. Just about.

7 A. Sure.

8 Q. Okay. During those 12 and-a-half years
9 was Brendamour Moving & Storage reporting
10 inaccurate data for all Logistics transactions or
11 just some of them?

12 A. Just some of them.

13 Q. And how would Brendamour Moving &
14 Storage go about deciding which Logistics
15 transactions it wanted to record accurately, and
16 which ones it wanted to record inaccurately?

17 A. Well, there was one account that was
18 handled the way a traditional Mayflower account
19 would be handled.

20 Q. And which account was that?

21 A. I don't know what it was called on
22 Mayflower's side, but Lenscrafters or Luxottica
23 Retail, it's the same account.

24 Q. Yeah.

25 A. Those invoices went as the traditional

1 Mayflower system would desire, and so those were
2 not subject to this, and then, you know, the
3 other ones, it would have been somewhat arbitrary
4 really in terms of selection.

5 Q. And am I correct that over time, in
6 order to keep the debits and credits going in
7 Brendamour Moving & Storage's favor, the
8 mis-reported transactions had to grow larger and
9 larger?

10 MR. LUEPKE: Object to form,
11 that's beyond the limited scope of this
12 deposition, it also mischaracterizes the
13 testimony and mischaracterizes the evidence.

14 Subject to that, if you understand the
15 question, Mr. Owens, you may do your best to try
16 to answer it.

17 A. Okay, do you mind to repeat it?

18 Q. (BY MR. LAMPING) Yeah, and I think some
19 of the spreadsheets that you produced bears this
20 out, but correct me if I'm wrong, over that 12
21 and-a-half year time period, the amount by which
22 Brendamour Moving & Storage mis-reported,
23 transaction values grew. It didn't get smaller,
24 right?

25 A. Well, yes, yes, technically. Well, so I

1 can't answer it with a "yes" or "no" answer, but
2 technically, yes; however, a major impact to this
3 was in September, roughly September of 2016,
4 Mayflower started taking a percentage against
5 those particular billing codes that we are
6 speaking which essentially caused the numbers to
7 go, for lack of a better word, wild.

8 And so that played a role in it getting
9 what ended up being out of hand. We had,
10 essentially we were, we have actually, so if you
11 take the charges out, the charges out that we put
12 through, you know, the inaccurate charges that we
13 put through, we actually paid Mayflower more over
14 this period of time than what they would have
15 earned.

16 Q. Yeah, no, I understand that's your
17 position, but I guess what I'm getting at, and I
18 think you've acknowledged it, but if you go from,
19 if you look at 2010 to 2023 as a spectrum, the
20 scheme grew in scale over time and really grew in
21 scale after the accessorial percentages changed
22 in 2016?

23 A. Right, it did, but there was also, it
24 would be important to note that at that point
25 cash wasn't changing hands.

1 Q. I understand.

2 A. Brendamour, the company, was sending
3 money back to Mayflower at that point and
4 essentially dwindling what would have been, you
5 know, the earned difference if you will.

6 Q. Okay. So was your decision to go and
7 talk to Doug and Dave Brendamour and then
8 ultimately talk to Tim Grimes based on the fact
9 that the scheme was essentially getting out of
10 control as you put it?

11 A. Yes, in essence, yes.

12 Q. All right. So and I think I covered
13 this, but I just want to make sure, the Luxottica
14 Lenscrafters accounts, the charges that were
15 agreed upon with the customer were accurately
16 entered into the Mayflower system; is that right?

17 A. Yes, and Mayflower, the Mayflower
18 invoice was sent to the customer and the customer
19 paid Mayflower.

20 Q. Perfect, all right, and you've led me to
21 kind of my next topic, which is for the -- in a
22 given transaction, when it's logged into the
23 system, initially am I correct that Mayflower
24 will generate an invoice?

25 A. Yes.

1 Q. And two of the accounts that at least to
2 my understanding were part of the scheme were
3 Amazon and Red Box; is that right?

4 A. Yes.

5 Q. And for Amazon and Red Box Brendamour
6 Moving & Storage used its own invoice, rather
7 than the Mayflower-generated invoice?

8 A. That is correct.

9 Q. For the invoice, for the transactions
10 that were part of the scheme, let's just use a
11 hypothetical Amazon transaction, would Amazon's
12 invoice have the actual price of the transaction
13 or the higher price that was reported into
14 Mayflower's system?

15 A. It would have the actual price.

16 Q. Okay. So as far as Amazon or Red Box is
17 concerned, the amount -- they had no reason, to
18 your knowledge did they have any reason to be
19 aware of this scheme?

20 A. No.

21 Q. So let's, in this hypothetical Amazon
22 transaction, let's say that the invoice that
23 Amazon receives is \$100 grand, okay?

24 A. Yes.

25 Q. Who decides what amount above that gets

1 entered into, or who decided what amount above
2 that got entered the Mayflower system?

3 MR. LUEPKE: If any, is that what
4 you're asking about, Brian?

5 MR. LAMPING: Pardon?

6 MR. LUEPKE: If any amount above
7 that amount gets entered, who decides?

8 Q. (BY MR. LAMPING) Well, I don't think
9 it's -- I am pretty sure it's been established at
10 this point that higher amounts were inputted into
11 the Mayflower system for a sub-set or some of
12 these Logistics transactions, I think that's been
13 acknowledged.

14 So my question is how was it decided as
15 to the amount, for a transaction that's part of
16 the scheme, how was the amount that was reported
17 to Mayflower determined?

18 A. Again, so we came up with that number.
19 I guess I've already said who was involved in
20 that. I don't understand, I guess.

21 Q. My question is a little different. You
22 told me who, and let's say in this hypothetical
23 transaction, that \$100,000 Amazon transaction was
24 reported to Mayflower as being a \$200,000
25 transaction. Okay?

1 A. Okay.

2 Q. Who decided the inflated amount that was
3 represented to Mayflower, how was that amount
4 determined?

5 A. Well, we were aware of what the, in
6 short, we were aware of what the numbers needed
7 to be, and so we made the numbers what they
8 needed to be.

9 Q. Precisely. So when you say you knew
10 what the numbers needed to be, you knew what the
11 value of that transaction needed to be to have an
12 offset on an agency statement that would work in
13 Brendamour Moving & Storage's favor?

14 A. For a period of time, and then there
15 came a time where we started basically paying the
16 monies back. So at some, you know, at that point
17 we were making it so that there was a specified
18 shortfall.

19 Q. So is it your testimony that at some
20 point, the scheme started benefitting Mayflower?

21 A. Well, the -- okay, so during the time,
22 during the timeframe that we were in a, basically
23 borrowing money from Mayflower if you will,
24 Mayflower on earned revenue, not inflated
25 revenue, but earned revenue made about \$3 million

1 dollars on our work.

2 So I would argue, you know, and we would
3 not have had the work, we could not have serviced
4 the work without capital. So I am unaware of
5 Mayflower's financial statements, and how they
6 published them and all of those kind of things.
7 So for me to speak on the impact of the
8 inaccurate entries, I cannot do that.

9 But on the act of securing the business
10 and servicing the business, yes, I would say that
11 had we not done this, we would not have had the
12 business, and Mayflower would not have earned
13 that money.

14 Q. Well, in fairness, there are a lot of
15 different ways that a company can obtain capital,
16 fair?

17 A. Yes.

18 Q. And do you ever remember saying to
19 Mr. Grimes that the way this scheme worked, was
20 essentially like using Mayflower as a bank?

21 A. I have used that, not just to
22 Mr. Grimes, but to others, as well.

23 Q. Okay.

24 A. However, however, please realize that I
25 am doing that merely to expedite the curve of

1 understanding; in other words, I'm doing that to
2 -- it's a very convoluted situation to try to
3 explain to someone that is not intimately
4 familiar with the Mayflower system, and in some
5 cases, even those that are.

6 So when I have used that statement I
7 have done so just to make it, for lack of a
8 better way, to put it into layman's terms, just
9 for the interest of understanding. Sorry.

10 Q. Sure, and one way that Brendamour
11 Moving & Storage benefitted from the scheme is
12 that they were able to finance certain capital
13 expenditures with credits that had built up in
14 their agency statement through the scheme, fair?

15 A. I'm not sure I follow.

16 Q. And just to be clear, and I believe you
17 said this, but I just want to confirm, the
18 invoices that the customers received were the
19 actual charges for the transactions and not the
20 inflated amounts that were entered into the
21 Mayflower system?

22 A. That is correct.

23 Q. Okay. And so for a given transaction,
24 the amount that Amazon, for example, would pay to
25 Brendamour Moving & Storage matched the amount of

1 the invoice that would have been provided to
2 Amazon?

3 MR. LUEPKE: Objection, beyond the
4 limited scope of this deposition. Subject to
5 that, you may try to answer, Mr. Owens.

6 A. That's correct.

7 Q. (BY MR. LAMPING) Okay, so I want to go
8 back to Exhibit 7. By the way, we have been
9 going about a little over an hour. Does anyone
10 need a break? Do we want to take a short break
11 or keep going?

12 A. I'm good.

13 Q. (BY MR. LAMPING) Okay.

14 MR. LAMPING: Ms. Court reporter,
15 are you okay?

16 THE REPORTER: It would be nice to
17 have a rest room for 5 minutes.

18 MR. LAMPING: Okay. Let's take a
19 5-minute break. Is that all right?

20 THE REPORTER: Certainly.

21 THE VIDEOGRAPHER: We're going off
22 the record. This ends Media 1. The time is 3:35
23 p.m.

24 (Brief recess taken.)

25 THE VIDEOGRAPHER: Going back on

1 the record, this begins Media 2. Time is 3:49
2 p.m.

3 Q. (BY MR. LAMPING) All right, Mr. Owens,
4 of the transactions that were mis-reported in the
5 Mayflower system as part of the scheme, were all
6 of those real transactions or were any of them
7 just completely fabricated?

8 A. I believe you're asking if there were
9 any order numbers in their entirety that were
10 fabricated; is that correct?

11 Q. Correct.

12 A. No; every order that was entered was an
13 actual order.

14 Q. Okay, and with respect to the false
15 information that was entered into the Mayflower
16 system, did you start with an actual order and
17 then inflate the services provided on that order
18 to get to the inflated number?

19 A. Yes, using specific billing codes, three
20 specific billing codes, yes.

21 Q. And what were those three specific
22 billing codes?

23 A. As I stated earlier, I don't have them
24 committed to memory. I was not the one doing
25 the -- making the entries. I'm sorry.

1 Q. That's okay, and as far as --

2 A. It's in the discovery repeatedly.

3 Q. Got it. And as far as the amount by
4 which the charges were inflated, was there a
5 specific formula or methodology that was used or
6 did you just kind of look at the agency statement
7 and just make sort of an imprecise measure of the
8 inflation?

9 A. Yes, more or less.

10 Q. The latter?

11 A. Yes.

12 Q. Okay. And is there any way -- so you're
13 aware that -- let me back up. On the
14 transactions at issue, were purchase orders
15 generated for any of the Amazon or Red Box
16 transactions that were entered into the Mayflower
17 system?

18 A. Amazon uses a purchase order. Red Box
19 does not use a purchase order system. Amazon
20 does, however, it's a blanket --

21 Q. Okay, got it.

22 A. -- so at the beginning of each year,
23 they just issue a blanket PO.

24 Q. Yeah. Do you know the services that are
25 associated with those codes that were the primary

1 codes that were inflated?

2 A. I do not. Again, I didn't realize that
3 we were going to be getting into this type of
4 detail today, or I would not have taken the call
5 from where I am, so no, I do not.

6 Q. Okay, and do you have records somewhere
7 that would tell us what the specific -- I think
8 you said the billing codes have already been
9 produced in discovery.

10 A. Yes, absolutely, yes, I do. I just
11 don't have access to my files where I'm sitting
12 right now. I apologize.

13 Q. Okay, and you are aware that invoices, a
14 whole bunch of invoices have been produced in
15 this case?

16 A. Yes, I am.

17 Q. Is there any way to reconcile those
18 invoices with what was entered into the Mayflower
19 system?

20 A. No. Well, yes, there is, but not
21 without an extensive amount of work beyond what
22 could possibly be done within any reasonable
23 amount of time.

24 Q. So just tell me, if I had an unlimited
25 amount of time, what would I need to do to

1 reconcile what was in the Mayflower account with
2 the invoices?

3 A. This is an example of --

4 MR. LUEPKE: Object, this is
5 beyond the scope, the limited scope of this
6 deposition. Subject to that, Mr. Owens, you may
7 try to answer if you can.

8 A. I will try. This is an example of what
9 I tried to do during the interim period of my
10 bringing this to the attention of Tim and then
11 the Mayflower Accounting Department.

12 I made efforts to go over with them an
13 example. You know, they asked for -- they asked
14 me to do just that for a number of orders, and I
15 sent the information with which to do it and I
16 offered to try to demonstrate that, and then
17 there was no -- there did not -- the ball was not
18 hit back, so it did not seem like there was an
19 interest in doing so.

20 But can it be done? Yes. But it is a
21 an extensive amount of time to do it, extensive.

22 Q. Okay, and the date would be different,
23 the date that's entered on the Mayflower system
24 would be different than the date that's reflected
25 on the invoice, right?

1 A. That is correct. There is not a
2 one-to-one relationship. The Mayflower system,
3 and again and I don't want to get lost in the
4 weeds here, but the Mayflower system is
5 generated, is designed to operate on an order by
6 order, or a load by load basis, if you will, and
7 many of our billings were cumulative.

8 So one of our billings may include, you
9 know, 7, 8, 9 loads. And you know, and on top of
10 that, a couple of those may have had 3 or 4
11 different customers on it on the same truckload.
12 Very confusing.

13 Q. Okay. I want to go back to Exhibit 7,
14 the interrogatory answer, and the next paragraph,
15 after the paragraph we just looked at, is
16 basically Mr. Grimes' version of what transpired
17 during the April 23rd meeting at the restaurant,
18 and you've read that before, right?

19 A. Yeah. Let me bring it back up again.
20 I'm sorry.

21 Q. Yeah, no worries. It's a paragraph that
22 begins on April 23rd, 2023.

23 A. Yeah. During the break I answered some
24 e-mails and apparently I moved along from that
25 one. Would it be possible for someone to send me

1 that again? I apologize.

2 No, no, wait a minute. Number 7, I have
3 it. I apologize.

4 Q. That's all right. No worries.

5 A. Where do you want me to be?

6 Q. It's Page 3 of the pdf. It's the
7 paragraph that starts, "On April 23rd, 2023."

8 A. I'm here.

9 Q. All right. So I'm just going to read
10 along. I just want you to read along with me.
11 I'm just essentially going to ask you to confirm,
12 basically let me know you agree with and what you
13 don't agree with and I'll call out some specific
14 things to kind of move us along. Is that all
15 right?

16 A. Okay, sure.

17 Q. So the paragraph starts, "On April 23rd,
18 2023, Grimes, Owens and Art Whalen met at a
19 restaurant in Louisville." That's correct,
20 right?

21 A. Yes.

22 Q. And then, "While at the restaurant Owens
23 admitted that Brendamour Moving & Storage had
24 been entering inflated customer charges in the
25 UniGroup system for Logistics transactions."

1 That's also accurate, correct?

2 A. Yes, yes.

3 Q. And then it goes on to state, "Owens
4 stated that the scheme began in approximately
5 2006." I assume you would dispute that.

6 A. Yes, absolutely.

7 Q. And your testimony was did you tell Tim
8 Grimes that it actually started in 2010?

9 A. I didn't tell him anything.

10 Q. Okay, you didn't give him a date.

11 A. I had the information with me, but we
12 never got into that level. I had it available,
13 should he have wished to, but the conversation
14 didn't go like that.

15 Q. What information did you have with you
16 to --

17 A. The same information that I sent as part
18 of the discovery, a spreadsheet of all the orders
19 and what happened on each order.

20 But Tim is not an accounting guy. I had
21 it with me just in case he wanted to go that
22 direction, but I knew going into it that he was
23 not an accounting guy, and that's not necessarily
24 what I was expecting to happen.

25 Q. The spreadsheet you're referring to, is

1 that the one that was called Problem Master that
2 we've talked about?

3 A. Yes, yes, sir.

4 Q. Who prepared that Problem Master
5 spreadsheet?

6 A. I did.

7 Q. How did you go about preparing that
8 spreadsheet?

9 A. I got the order numbers and the amount
10 of money that we received from our accounting
11 software company who interacts with the UniGroup
12 system. So it's an automated system, if you
13 will, and so I got a spreadsheet of every order
14 number and the billing codes and the monies that
15 we received, and then I applied our understanding
16 of the Mayflower percentages to it, and basically
17 then went -- so anyway, that's how I got the
18 numbers.

19 (Exhibit 9 was marked by the
20 reporter for identification.)

21 Q. (BY MR. LAMPING) Okay, and do you still
22 have the Excel spreadsheet in its native format?

23 A. Yes.

24 Q. And so was that spreadsheet generated
25 from data that you obtained from this accounting

1 software, this accounting program?

2 A. I obtained the, I obtained some columns
3 of it. There is some information that I do not
4 have access to, specifically information that
5 would be housed in the Mayflower's system, I'm
6 assuming, and again, during that interim period,
7 I had "efforted" on numerous occasions to get
8 Mayflower to participate with me in updating and
9 making that document even more accurate, and was
10 never able to gain their interest in doing so.

11 Q. What would you need, what information
12 would you need to understand the full financial
13 scope and impact of the scheme?

14 MR. LUEPKE: I object, it's vague
15 and confusing and overbroad, but subject to that,
16 you may try to answer, Mr. Owens.

17 A. Well, what I did not have was the
18 invoiced amount that's on the Mayflower invoice,
19 and then also I would need the percentages that
20 Mayflower earns on each billing code.

21 Q. (BY MR. LAMPING) Okay.

22 A. Which again, I had asked for numerous
23 times. As foolish as it sounds now, it was my
24 effort to again, you know, put this together and
25 actually sit down with someone and try to work

1 through it amicably. This situation was not my
2 intent, obviously.

3 Q. Okay, yeah. I want you to jump to the
4 next page of Exhibit 7 --

5 A. Okay.

6 Q. -- and let me know when you're there.

7 A. On Page 4?

8 Q. On Page 4, yes.

9 A. I'm here.

10 Q. Okay, and in the middle of Page 4, do
11 you see a paragraph that begins, "On May 8th,
12 2023"?

13 A. Yes, I do.

14 Q. Do you recall participating in a
15 teleconference on that date?

16 A. I don't. I mean there was a
17 teleconference right around that date, yes. I
18 can't see it was that date, but it seems about
19 right.

20 Q. The last sentence of that paragraph
21 states, "Owens stated that Brendamour Moving &
22 Storage logged \$448 million in revenue into the
23 Mayflower system during the scheme, but only had
24 \$54 million in actual invoiced revenue for those
25 transactions."

1 Do you recall making a statement to that
2 effect during that meeting?

3 A. We were reading the spreadsheet, and it
4 was a very difficult meeting to navigate and yes,
5 I do remember, you know, referring to and reading
6 numbers off of the spreadsheet that I had
7 provided them, provided Mayflower quite some time
8 prior to that, but I cannot say that I remember
9 those specific numbers, because again, I don't
10 have that spreadsheet with me sitting here right
11 now to recall that spreadsheet.

12 Q. We're going to e-mail you a document
13 that was produced by Mayflower, and let me know
14 when it comes across. It will be -- it's an
15 Excel spreadsheet. It will be Exhibit 9, okay.

16 A. If it's that very large spreadsheet, it
17 may not come through. I'm sorry.

18 Q. Okay, that's okay. Let me move on. Do
19 you understand that the spreadsheet that you
20 shared with --

21 A. Yes.

22 Q. -- UniGroup, it was called Problem
23 Master or something along those lines?

24 A. Yes.

25 Q. And the first column, do you remember it

1 having a whole big list of order numbers?

2 A. Yes.

3 Q. And those order numbers would not appear
4 on the invoices, for example, the Amazon invoices
5 for those transactions.

6 A. That is correct, that is correct.

7 Q. And how were the invoice order numbers
8 generated?

9 A. Well, the invoice order numbers that are
10 on that spreadsheet?

11 Q. No. So the spreadsheet has the
12 Mayflower order numbers that would be reflected
13 in the Mayflower system, right?

14 A. Sure.

15 Q. But then the invoice that was sent to
16 Amazon would have a different order number.

17 A. A different Invoice Number, yes.

18 Q. The Invoice Number on the Amazon
19 invoice, how was that number generated?

20 A. It's just sequential in our accounting
21 system.

22 Q. All right. So for example, if there's
23 an order number on an Amazon invoice that says
24 like 01- --

25 A. Yes.

1 Q. -- and a bunch of numbers --

2 A. Yes, that is in our system.

3 Q. What does the 01 refer to?

4 A. Nothing. It's just a numbering,
5 nothing.

6 Q. Got it. All right, and so going back to
7 Exhibit 7, on May 9th, at least according to this
8 answer, you sent Theresa Dawkins the Problem
9 Master spreadsheet, right?

10 A. Yes.

11 Q. And is that spreadsheet something that
12 you offered to send to Ms. Dawkins during your
13 teleconference a day earlier?

14 A. I don't remember how exactly all of that
15 worked, but yes, I did send it to her. I believe
16 I sent it to her prior to this, though, because
17 obviously during this call we were reviewing it.

18 Q. Okay, and then this answer goes on to
19 mention a text message that you sent to
20 Mr. Grimes on May 16th that stated, "Remind me
21 again, what is the date that UniGroup started
22 taking the percentage on those accessorial lines
23 that I messed with."

24 A. Yes.

25 Q. Do you recall sending that text message

1 to Mr. Grimes?

2 A. I recall requesting that information,
3 yes.

4 Q. Why did you request that information?

5 A. Because in order to accurately complete
6 the spreadsheet, I would have needed to know
7 exactly what date that started, which at that
8 point I would have probably have been confirming
9 it, not asking what it was.

10 Q. Okay.

11 A. But the answer was consistent with what
12 I had already done --

13 Q. Okay.

14 A. -- which is September 1st of 2016.

15 Q. Got it. Let's pull up Mr. Owens'
16 interrogatory answers.

17 A. Am I watching for an e-mail again?

18 Q. Yes.

19 A. Sorry.

20 Q. That's all right.

21 (Exhibit 10 was marked by the
22 reporter for identification.)

23 Q. (BY MR. LAMPING) Do you recognize that
24 Exhibit 10 is a copy of your answers to some
25 interrogatories that were served by my client.

1 A. Yes.

2 Q. And when was the last time you read
3 those answers?

4 A. Shortly after I filled them out, I
5 believe, unless, is it one of the ones that I was
6 asked to review, Henry?

7 Q. Why don't we do this. I don't want to
8 get into any of your --

9 A. I'm not an attorney, so it's difficult.

10 Q. Why don't we do this, I just have a
11 couple of quick questions for you. First, if
12 you'll scroll down to Page 3.

13 A. Okay.

14 Q. Towards the bottom of Page 3 or I guess
15 in the last full paragraph that starts, "In or
16 about the Fall of 2010," you state, "BMAY started
17 entering customer order information that did not
18 reflect the actual charges BMAY had invoiced to
19 its customers." Did I read that correctly?

20 A. Yes.

21 Q. That's consistent with what you had
22 talked about earlier, you said September of 2010
23 earlier, and that's consistent with what you
24 testified to earlier today, correct?

25 A. Yes.

1 Q. And then if we jump down to Page 5 --

2 A. I'm there.

3 Q. -- there's a paragraph that starts
4 toward the top, "I made Tim aware," do you see
5 that?

6 A. Yes.

7 Q. And this answer states, "I made Tim
8 aware that the accounting records were inaccurate
9 and needed to be corrected." Did I read that
10 correctly?

11 A. Yes.

12 Q. All right, and just to be clear, the
13 accounting records you are referring to are
14 Mayflower's internal system records that were
15 based on what you all had entered into the
16 system?

17 A. I'm not in any way referring -- I'm not
18 aware of Mayflower's financial statements.

19 Q. Okay. Well, let me ask a better
20 question then. When you say, "I made Tim aware
21 that the accounting records were
22 inaccurate," what accounting records were you
23 referring to?

24 A. The billings that we -- the items that
25 we're talking about here the billings that we had

1 entered into the Mayflower system.

2 Q. Okay. All right, we can set that aside.
3 Let's pull up the invoices Brendamour 2553.

4 A. I have it. I have the e-mail.

5 (Exhibit 11 was marked by the
6 reporter for identification.)

7 Q. (BY MR. LAMPING) Okay. And can you
8 identify Exhibit 11 for me.

9 A. Is that the one she just sent me?

10 Q. It is.

11 A. Okay. It's an invoice that we sent to
12 Amazon for new installs that took place in
13 January of it would appear to be 2019.

14 Q. And when you say new installs, would
15 this have been a new install of a kiosk?

16 A. Yeah, an Amazon locker, yes.

17 Q. So up at the top do you see where it
18 says Invoice Number?

19 A. Yes.

20 Q. Is that the Invoice Number that we
21 talked about earlier that would just be
22 automatically generated?

23 A. Out of our accounting system, yes.

24 Q. Okay, and then the invoice date, is that
25 the date that you transmit the invoice to the

1 customer?

2 A. Yes, yes.

3 Q. And then order number, does that always
4 correspond with the Invoice Number?

5 A. In our case it does, with the exception,
6 with the possible exception of it -- I don't know
7 what, frankly, I don't know what the
8 Lenscrafters' orders, order numbers might look
9 like. Well, we wouldn't have an invoice for
10 those, so yeah, the order number would all be the
11 same.

12 Q. And then on the left-hand column where
13 it says code, what does code refer to?

14 A. That means, well, in theory it would be
15 like the Mayflower system has accounting codes,
16 our system, in theory, would have accounting
17 codes, in this case it doesn't really mean
18 anything.

19 Q. Okay. Would your accounting codes and
20 Mayflower's accounting codes match up at all or
21 are they just --

22 A. No, not at all.

23 Q. And then to the right under
24 "Description," this, PO number what does that
25 refer to?

1 A. That is Amazon's PO number for installs
2 for that year.

3 Q. Okay, and would you typically enter into
4 a new blanket PO with Amazon every year?

5 A. Yeah, definitely every year. Sometimes
6 they would get, a new one will get issued toward
7 the end of the year, like if it gets overran.
8 Sometimes they will increase the amounts, so
9 there are a couple of years where there would
10 have been two different PO numbers for that line
11 item.

12 Q. All right. Why don't you, I am going to
13 kind of switch gears, and just have you
14 authenticate some documents that have been
15 produced. I may have a couple of questions about
16 them.

17 Christine, can you go ahead and e-mail
18 Mayflower 67, Mayflower 8, Mayflower 1, Mayflower
19 9, and Exhibit 2 from the deposition this
20 morning.

21 A. Sir?

22 Q. Yes, sir.

23 A. I don't want to be rude, but I need to
24 text -- respond to my wife's text just very
25 quickly.

1 Q. Well, why don't we do this. Why don't
2 we just take a 5-minute break and then you take
3 care of whatever you need to take care of, in the
4 meantime, we'll e-mail you.

5 A. Well, I mean we can. I just don't -- I
6 didn't expect to go beyond this, so I don't want
7 to be -- I just want to be responsive, that's
8 all. I don't need a break. I just didn't want
9 to be --

10 Q. Do you want to go on mute and check in
11 with your wife, and let us know when you're
12 ready?

13 A. I'm ready. I can be ready right now. I
14 just needed to give --

15 Q. We're in the home stretch, don't worry.
16 We're in the home stretch, don't worry.

17 A. Okay.

18 MR. LUEPKE: Brian, as we
19 indicated, Mr. Owens' wife is gravely ill and he
20 is her caretaker, and that's what's created this
21 sort of urgency.

22 MR. LAMPING: Honestly --

23 MR. LUEPKE: If we could be done
24 soon, I'd appreciate it.

25 MR. LAMPING: Yeah.

1 A. Okay, we're good. Thank you, I'm back.

2 Q. (BY MR. LAMPING) You're welcome. Let
3 me know when the e-mails come through.

4 A. Okay, sorry. I've got them. Which one
5 would you like me to open?

6 (Exhibit 12 was marked by the
7 reporter for identification.)

8 Q. (BY MR. LAMPING) Exhibit 12 first.

9 A. I've got it.

10 Q. Mayflower 6, there we go.

11 A. Yep.

12 Q. And take a look at this. I just want
13 you to confirm that this is an e-mail chain
14 between you and Tim Grimes in April of 2023.

15 A. Let's see, yes, that corresponds with
16 what he said he was going to do. He had asked
17 me -- I had shared with him that the only other
18 person at Mayflower really that I had ever spoken
19 to was Tammi Woodruff, and that's who he elected
20 to -- that's who he said he was going to talk to
21 first.

22 Q. Okay, and why don't you go ahead and
23 open up Mayflower 8.

24 A. Okay, got it.

25 (Exhibit 13 was marked by the

1 reporter for identification.)

2 Q. (BY MR. LAMPING) Do you recognize this
3 as a text chain or a series of text messages
4 between you and Tim Grimes?

5 A. Yes.

6 Q. Okay. And the top text message -- and
7 I'll represent to you the top message is between
8 you and Tim Grimes.

9 A. Yes.

10 Q. Tim says, "Paul got one clarification
11 question for you, if you have a minute." And
12 then you responded, "Yes." Do you recall what
13 Mr. Grimes' question was for you?

14 A. I'm sorry, I do not.

15 Q. Okay. Let's go to Mayflower, I'm sorry,
16 let's go to Mayflower 1.

17 A. Okay, I've got it.

18 (Exhibit 14 was marked by the
19 reporter for identification.)

20 Q. (BY MR. LAMPING) And do you recall or
21 do you recognize Mayflower 1 as an e-mail from
22 you to Ms. Dawkins on May 9th, 2023 transmitting
23 the Problem Master spreadsheet?

24 A. Obviously, this is an e-mail from me.
25 I'm sure that I sent her the document and these

1 are consistent with the questions that I was
2 asking of her, which I outlined to you earlier
3 during this deposition, so yes.

4 Q. Okay, and then take a look at Mayflower
5 9.

6 A. Okay.

7 (Exhibit 15 was marked by the
8 reporter for identification.)

9 Q. (BY MR. LAMPING) And do you identify or
10 do you recognize Mayflower 9 as a text exchange
11 between you and Tim Grimes --

12 A. Okay.

13 Q. -- and this one is the one we read
14 earlier.

15 A. This is the same one we read earlier,
16 yes.

17 Q. Correct, yes, got it, and then can you
18 go to pull up the document that was marked
19 Exhibit 2?

20 A. I have it.

21 Q. And I will represent to you that that
22 document was marked as Exhibit 2 at Michael
23 Brendamour's deposition earlier today.

24 A. Okay.

25 Q. I'd like you to scroll to the first

1 e-mail in the chain?

2 A. All the way at the bottom then in this
3 case.

4 Q. All the way at the bottom.

5 A. Okay, I'm there.

6 Q. And in the e-mail you state to Mike
7 Brendamour, "In the interest of not ignoring
8 this, I did all I can do by meeting with you in
9 the conference room at BMAY recently. My
10 position has not changed."

11 A. Yes.

12 Q. My first question is do you see how the
13 subject line has a "Re:"?

14 A. Yes.

15 Q. And my understanding of how e-mails work
16 is that unless you are to physically type "Re:"
17 into the subject line, "Re:" does not appear
18 unless you are replying to a message.

19 MR. LUEPKE: I object, counsel is
20 testifying. Wait for a question, Mr. Owens. He
21 has not asked any question.

22 Q. (BY MR. LAMPING) So is that your -- let
23 me back up. Do you know if there was a prior
24 e-mail to which you are responding in this e-mail
25 chain?

1 A. I do not know.

2 Q. Do you recall in this typing "Re:" and
3 then the case name in the subject line?

4 A. Obviously, I would not have done that.

5 Q. Okay.

6 A. Well, I most likely would not have done
7 that. As you said earlier, it really wouldn't
8 make any sense.

9 Q. Yeah. So do you know why there is not
10 an earlier e-mail in this?

11 A. No, I do not. I mean no, I do not.

12 Q. Okay.

13 A. Where would it -- I'm not -- where would
14 it have been, on his side or my side?

15 Q. That's something we can sort out later.

16 A. Okay, but no, I am not familiar with it.

17 Q. That's fine. What do you recall about
18 your meeting with Michael Brendamour in the
19 conference room at Brendamour Moving & Storage?

20 A. Well, first and foremost, I had no
21 interest in meeting with Mike ever, after he left
22 the company, but that being said he was very
23 angry at the context of the case.

24 I was also disappointed in his
25 inclusion, and so he was adamant in talking about

1 it. We have a history of -- it has been my
2 desire to keep Mike away from our employees for
3 quite a period of time, and so basically he
4 showed up at the office and we had a
5 conversation, during which he expressed some
6 displeasure, and I assured him that I had not
7 indicated his involvement.

8 Q. Okay. Do you recall anything else from
9 that meeting?

10 A. Not that meeting, nope.

11 Q. Okay. Tell you what, let us just take
12 another short break. Let me get my notes
13 together and see how much, if anything, I have
14 left. All right? Can we go off the record for 5
15 minutes or so?

16 THE VIDEOGRAPHER: Going off --
17 Henry, is that all right?

18 MR. LUEPKE: Yes, yes, it is.
19 That's fine, Brian.

20 MR. LAMPING: Okay.

21 THE VIDEOGRAPHER: Going off the
22 record. This ends Media 2. The time is 4:30
23 p.m.

24 (Brief recess taken.)

25 THE VIDEOGRAPHER: Going back on

1 the record. This begins Media 3. The time is
2 4:38 p.m.

3 Q. (BY MR. LAMPING) Just a couple of more
4 follow-up questions, Mr. Owens, and then we'll
5 let you out of here. We talked a lot about
6 invoices, about how Brendamour Moving & Storage
7 would generate its own invoice that it would send
8 to a customer like Amazon. Did Brendamour
9 Moving & Storage also generate its own bills of
10 lading?

11 A. No, no.

12 Q. Would the customer, and let's use Amazon
13 as an example, for a given transaction, would
14 there be any documentation exchanged between
15 Brendamour Moving & Storage and Amazon, other
16 than the transaction invoice and a blanket
17 purchase order?

18 MR. LUEPKE: I object. This is
19 far beyond the scope of this deposition. Subject
20 to that you may try to answer, Mr. Owens.

21 A. No, there is no paperwork. Any job that
22 is completed is captured with pictures by the
23 driver that does the install, and those are
24 available to our customer, in this case Amazon,
25 so there is no paperwork.

1 Q. (BY MR. LAMPING) When Amazon would need
2 you to go install a kiosk or do something like
3 that, would they just e-mail a request to the
4 company?

5 A. We would go through the process --

6 MR. LUEPKE: Basically, I want a
7 continuing objection based on what I just said to
8 this whole line of questioning. Subject to that,
9 you may try to answer again.

10 A. Yes, there is a process, but yes, in
11 general.

12 Q. (BY MR. LAMPING) And the same with Red
13 Box, did Red Box have blanket purchase orders or
14 would they issue a purchase order for each
15 transaction?

16 A. No, there was not a purchase order
17 system. Basically during this time period the
18 installs were -- a batch of installs were sent
19 out each week to bid between us and a competitor,
20 and we bid on that set of work and we invoiced
21 accordingly.

22 Q. Okay, and then for the last question,
23 for the Logistics transactions that were part of
24 the scheme, were all elements of that transaction
25 performed, were all elements of those

1 transactions performed under Mayflower's
2 operating authority?

3 A. No, they were not.

4 Q. Which elements were not?

5 A. Well, there are many different potential
6 components to an order, and so to start from the
7 beginning, typically there's a process called a
8 site survey, where someone goes out to the site
9 to determine where a kiosk is going to go.

10 That is not performed by any of our
11 drivers and has nothing to do with the UniGroup.
12 We receive items into the warehouse, inspect
13 them, we build things in the warehouse, we test
14 things in the warehouse. That has nothing to do
15 with UniGroup. That's a billable item.

16 And then eventually we deliver it and
17 install it. That is typically done under
18 Mayflower's authority, and that is, of course,
19 billable and was entered into the Mayflower
20 system.

21 And then there was also times where we
22 ran electric cord cement pads, installed bollards
23 and items such as that, none of which were
24 performed by our drivers, and thus, none of which
25 has anything to do with UniGroup's authority.

1 Q. Okay.

2 A. And those items, the one invoice that
3 you showed me earlier as an example, all of those
4 items are rolled up into that number.

5 Q. Okay. All right, Mr. Owens, I
6 appreciate your time this afternoon. At this
7 time, I have no more questions.

8 MR. LUEPKE: Julie, do you have any
9 questions.

10 MS. GUGINO: Yeah, I do have a few
11 questions, but I didn't know if you wanted to ask
12 any questions, Henry.

13 EXAMINATION

14 BY MR. LUEPKE:

15 Q. My only question, Mr. Owens, is these
16 transactions that you discussed, the actions that
17 you took, did you take any of these actions or
18 engage in any of these transactions in any role
19 other than as General Manager of Brendamour
20 Moving & Storage?

21 A. No. Everything that I -- that was done
22 here was done as a part of my role as the General
23 Manager of Brendamour Moving & Storage.

24 Q. I have no further questions.

25 EXAMINATION

1 BY MS. GUGINO:

2 Q. Okay. I sent, actually I have three
3 exhibits I wanted to ask Mr. Owens about.

4 Julie Gugino, for defendant Michael
5 Brendamour. So I just e-mailed those and I
6 included Peggy Corbett. Is that the right
7 person, the court reporter, that could log those
8 with the deposition?

9 (Off-the-record discussion.)

10 MR. LAMPING: Julie, could I make a
11 suggestion? Maybe we just identify, because I
12 see you sent them in a single pdf file.

13 MS. GUGINO: Uh-huh.

14 MR. LAMPING: Maybe we could just
15 mark those as a group exhibit, as one group
16 exhibit, and that would be the next exhibit.

17 MS. GUGINO: I'm fine, because they
18 already have the number on it, so if she can fix
19 that.

20 MR. LAMPING: Well, I think maybe
21 the official, we could put the official exhibit
22 designation on it, and I'm sure -- however you
23 want to do it, but yeah.

24 MS. GUGINO: Are we at 11 now?

25 (Exhibit 16 was marked by the

1 reporter for identification.)

2 MR. LAMPING: 16.

3 MS. GUGINO: Okay. So this would
4 be Exhibit 16 or 17.

5 MR. LAMPING: 16.

6 Q. (BY MS. GUGINO) So I have a couple of
7 questions really before I even get to those, and
8 I don't have a lot. This should not take long.

9 I know you've testified to some of this
10 today, Mr. Owens, in terms of this, going back to
11 this April 23rd, 2023 meeting that you had with
12 Tim Grimes, you mentioned that Art Whelan was
13 also at that meeting. Who else, if anyone, was
14 at that meeting besides Tim Grimes and Art
15 Whelan?

16 A. It was just us three.

17 Q. Okay. And I know you kind of answered
18 some questions about Mike Brendamour and how he
19 came up at that meeting or what was said, but
20 what, if anything, did you say about Mike
21 Brendamour to Tim Grimes at that meeting?

22 A. Again, it's quite awhile ago, you know.
23 As I recall, Tim asked, just simply asked how
24 Mike was doing and I, you know, I recall sharing
25 with him perhaps lightly that Mike was no longer

1 with the company, and may be lightly, you know,
2 what had happened in terms of the, you know, the
3 transaction, as such, but that's about it.

4 But again, it's -- the purpose of that
5 meeting was what I was there to do and I outlined
6 it in this. You know, we were there to -- for a
7 specific purpose, and it didn't have anything to
8 do with Mike.

9 Q. Did you ever say that Mike knew anything
10 about the over-reporting?

11 A. Yeah, I've already stated that several
12 times, no.

13 Q. Or that he assisted with it?

14 A. No. I've stated that several times
15 here, then, and to any time that the matter has
16 come up, with Mayflower's internal counsel, our
17 counsel, both of them, and so on and so forth.

18 MR. LUEPKE: Paul, just answer.
19 If you didn't do so, then just say so. You don't
20 need to give us any specifics of that.

21 A. No, I did not.

22 (Exhibit 8 was marked by the
23 reporter for identification.)

24 Q. (BY MS. GUGINO) So was Mike Brendamour
25 involved in any way with the over-reporting

1 scheme that as alleged in plaintiff's Complaint?

2 A. No, he was not.

3 Q. What involvement did Mike Brendamour
4 have in the Logistics side of Brendamour?

5 A. Frankly, I don't know what Mike did.

6 Q. Okay.

7 A. Mike did whatever Mike wanted to do.

8 Q. Okay. So in your affidavit, you
9 testified that prior to becoming General Manager,
10 Michael Brendamour had resigned as President of
11 the company, so I guess I just to want pull up
12 this exhibit. If you'll look at the first page
13 of that exhibit?

14 A. Give me one second, please.

15 Q. Okay.

16 A. Okay.

17 Q. So it's dated April 10th, 2023 and it is
18 signed Jack Brendamour, chairman and CEO.

19 A. Okay.

20 Q. So at this point would it be safe to say
21 that Mike Brendamour was no longer acting as
22 President of the company when this would have
23 been dated?

24 A. Ma'am, I'm not trying to be
25 disrespectful to you or your client. I never had

1 any real idea what Mike Brendamour was doing and
2 not doing.

3 Q. Okay. So Page 2 is a memo from Jack
4 Brendamour, July 22nd, 2003, and it states,
5 "Effective immediately, Paul Owens will be in
6 charge of operations," so is this the date -- I'm
7 going back to your affidavit when I say that.

8 A. Yeah.

9 Q. Mike signed as President, prior to
10 becoming General Manager. Is this the date that
11 you would be referring to when you say you became
12 General Manager?

13 A. No, it is not. In fact, I can't even
14 say that I ever have even seen this e-mail. I
15 find it very interesting, or this memorandum
16 actually.

17 I was in charge of -- I don't know how
18 Jack -- you know, Jack may have spun my arrival
19 to these people in a certain way, I don't know,
20 but what I do know is I, for a year-plus I just
21 sat back in an office and scheduled 7 in-home
22 delivery trucks. I wasn't in charge of these
23 people on July the 22nd, that is for certain.

24 Q. Okay.

25 A. I wasn't in charge, I was not. Go

1 ahead.

2 Q. The last page here is this memo that
3 Mike Brendamour sent to SBG and Jack Brendamour
4 and his mother and brothers essentially --

5 A. Uh-huh.

6 Q. -- saying that he was -- he had already
7 resigned as President of the company June 14th,
8 2004. Would you have received a copy of this?

9 A. No.

10 Q. Okay. He also says in that that he had
11 been acting in his capacity as the President of
12 the company in name only since the Spring of
13 2022. Do you have any understanding that that is
14 accurate?

15 A. Again, ma'am, I guess technically there
16 was a point where, I guess technically Mike was
17 supposed to be my employee, but from the time I
18 arrived to the time he departed, I have no idea
19 what Mike Brendamour was doing, nor was I overly
20 worried about it.

21 Q. Okay. He also indicates he was not
22 given financial, and the company's accounting
23 personnel had been instructed not to release
24 information to him unless approved by his father.
25 Do you know anything about that?

1 A. I personally never gave financial
2 statements to Mike Brendamour; however, the other
3 part of that I cannot attest to, because I don't
4 know.

5 I don't specifically recall ever being
6 told not to give him financial statements, but I
7 will attest that I have never given him financial
8 statements, that I recall.

9 Q. So this sort of goes along with your
10 response to a lot of these questions, and he's
11 indicated that from 2002 to 2020 he didn't
12 participate in day-to-day management of
13 Brendamour. Is that correct to your
14 understanding?

15 A. Well, roughly until 2007, or so, '06,
16 whatever, I for sure had no idea what he was
17 doing, and then after that I had a -- you know, I
18 never really knew, so I apologize. It makes
19 sense, but I don't know what he was doing.

20 Q. You had very little involvement?

21 A. With Mike, right.

22 Q. On any kind of day-to-day operations of
23 the company?

24 A. No.

25 Q. For since you started there?

1 A. Correct.

2 Q. Okay. He also indicated that to his
3 knowledge in the past 20 years no Board meetings
4 were held. Do you know anything about that?

5 A. I've never participated in a board
6 meeting. I'm not a Board member. I don't even
7 know that there is one.

8 Q. Yeah, okay. So in plaintiff's responses
9 to Mike Brendamour's discovery requests they
10 referenced this May 25th, 2023, video conference
11 which was held, and they name a bunch of people
12 that were there, and they say that, "Owens again
13 confirmed he helped Brendamour enter invalid
14 inflated revenue amounts, and that the scheme
15 began at the direction of Mr. Brendamour."

16 A. That is on --

17 Q. Did you say that?

18 A. No, and, in fact, I stated clearly that
19 Mike was my employee during that time.

20 Q. This statement says that a paralegal,
21 Nancy, attended on behalf of Brendamour. Do you
22 know the last name of that person?

23 A. I do not. I have only met her once, or
24 twice, I should say, and that was one of them.
25 She works for our Ohio-based attorney.

1 Q. Jim Farris?

2 A. Yes.

3 Q. So this says that the people who were
4 there were, okay, representatives of Mayflower
5 and Brendamour, M & S, Bob McCabe, Valerie Pacer,
6 Mark Velanski, James Brendamour, Doug Brendamour,
7 Paul Owens, David Brendamour, Jim Farris and
8 Nancy.

9 A. Yes.

10 Q. So I guess they don't mention a
11 Mayflower rep as a part of that call. Do you
12 know who else was there?

13 A. Yeah, all of those first people that you
14 named were Mayflower people.

15 Q. Bob McCabe, Valerie Pacer, Mark
16 Velanski?

17 A. Correct.

18 Q. Do you know if anyone took like notes or
19 minutes of that call?

20 A. No.

21 Q. Do you know if there was a recording of
22 it?

23 A. Not on our side.

24 MS. GUGINO: Okay, I don't have any
25 other questions.

1 MR. LAMPING: I have nothing.

2 MR. LUEPKE: I have nothing

3 further.

4 THE REPORTER: Mr. Luepke, does
5 the witness want to read and sign?

6 MR. LUEPKE: Yes, we'll read and
7 sign; is that correct, Paul?

8 THE WITNESS: Yes.

9 THE REPORTER: And Julie, did you
10 want a copy? You did not want a copy of the
11 other witness.

12 MS. GUGINO: I guess I just need to
13 speak to my client and let you know.

14 THE REPORTER: Thank you all.

15 MR. LUEPKE: And we would like a
16 recording of the video as well as a full
17 transcript and a condensed version, both
18 electronic.

19 MR. LAMPING: And we don't need a
20 video, just an E-Tran.

21 THE VIDEOGRAPHER: That was
22 Mr. Luepke that was saying you do want a video a
23 moment ago; is that correct?

24 MR. LUEPKE: That is correct.

25 THE VIDEOGRAPHER: Okay. All

1 right.

2 MR. LAMPING: We don't need a
3 video.

4 THE VIDEOGRAPHER: All right, I'm
5 going to read us off the record, sorry. We are
6 off the record at 4:58 p.m. Central Time and this
7 concludes today's testimony given by Paul Owens.
8 The number of media used was three and will be
9 retained by Veritext.

10 (Deposition ended at 4:58 p.m.)

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C E R T I F I C A T E

I, Peggy E. Corbett, a Certified Court Reporter of the State of Missouri, do hereby certify:

That prior to being examined the witness was by me duly sworn;

That said deposition was taken down by me in shorthand at the time and place hereinbefore stated and was thereafter reduced to writing under my direction;

That I am not a relative or employee or attorney or counsel of any of the parties, or a relative or employee of such attorney or counsel, or financially interested in the action.

WITNESS my hand and seal this 16th day of November, 2023.



PEGGY E. CORBETT,
CCR No. 143, RDR, CRR

Page 106

Veritext Legal Solutions
1100 Superior Ave
Suite 1820
Cleveland, Ohio 44114
Phone: 216-523-1313

November 28, 2023

To: Mr. Luepke

Case Name: Mayflower Transit, Llc v. Brendamour Moving & Storage,
Inc., Et Al.

Veritext Reference Number: 6311599

Witness: Paul Owens Deposition Date: 11/14/2023

Dear Sir/Madam:

Enclosed please find a deposition transcript. Please have the witness
review the transcript and note any changes or corrections on the
included errata sheet, indicating the page, line number, change, and
the reason for the change. Have the witness' signature notarized and
forward the completed page(s) back to us at the Production address
shown
above, or email to production-midwest@veritext.com.

If the errata is not returned within thirty days of your receipt of
this letter, the reading and signing will be deemed waived.

Sincerely,
Production Department

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DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 6311599

CASE NAME: Mayflower Transit, Llc v. Brendamour Moving & Storage, Inc., Et Al.

DATE OF DEPOSITION: 11/14/2023

WITNESS' NAME: Paul Owens

In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.

I have made no changes to the testimony as transcribed by the court reporter.

Date

Paul Owens

Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:

They have read the transcript;

They signed the foregoing Sworn Statement; and

Their execution of this Statement is of their free act and deed.

I have affixed my name and official seal

this _____ day of _____, 20____.

Notary Public

Commission Expiration Date

DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 6311599

CASE NAME: Mayflower Transit, Llc v. Brendamour Moving & Storage, Inc., Et Al.

DATE OF DEPOSITION: 11/14/2023

WITNESS' NAME: Paul Owens

In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.

I have listed my changes on the attached Errata Sheet, listing page and line numbers as well as the reason(s) for the change(s).

I request that these changes be entered as part of the record of my testimony.

I have executed the Errata Sheet, as well as this Certificate, and request and authorize that both be appended to the transcript of my testimony and be incorporated therein.

Date

Paul Owens

Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:

They have read the transcript;

They have listed all of their corrections in the appended Errata Sheet;

They signed the foregoing Sworn Statement; and

Their execution of this Statement is of their free act and deed.

I have affixed my name and official seal
this _____ day of _____, 20____.

Notary Public

Commission Expiration Date

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ERRATA SHEET
VERITEXT LEGAL SOLUTIONS MIDWEST
ASSIGNMENT NO: 6311599

PAGE/LINE(S) / CHANGE /REASON

Date Paul Owens
SUBSCRIBED AND SWORN TO BEFORE ME THIS _____
DAY OF _____, 20____ .

Notary Public

Commission Expiration Date

[& - 44114]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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